

Appl. No. 10/674,670
Atty. Docket No. CM2701Q
Amdt. dated August 23, 2006
Reply to Office Action of March 23, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1 - 20 are pending in the present application. Of these claims, Claims 12 - 20 have been withdrawn as a result of an earlier restriction requirement. No additional claims fee is believed to be due.

Claim 1 has been amended to more clearly define the absorbent article in accordance with the teachings of the specification, for example, at page 12, lines 15-19.

Since these changes are believed to be fully supported by the specification and claims as originally filed and no new matter is intended or believed to be involved, entry is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102 and 35 USC §103(a) Over Sasaki.

Claims 1-7 and 11 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sasaki (JP 1-292103, based on Polyglot Translation of record). In addition, Claims 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki. The Office reasons that Sasaki discloses an article comprising a topsheet, backsheet, and core, and further comprising a nonwoven for an absorbent core that comprises a first plurality of fibers (base fibers), hydrophilic monomers (such as acrylic acid and its salts), and a radical polymerization initiator (such as benzophenone) grafted to the first plurality of fibers; the amount of radical polymerization initiator molecules is less than 2% weight of the monomer molecules.

However, claim 1 requires an absorbent article having agent molecules which reduce homopolymerization of the hydrophilic monomers. Further, claim 1 requires at least three times more initiator molecules than agent molecules. Sasaki does not teach or suggest a nonwoven comprising at least three times more initiator molecules than agent molecules as required by claim 1. Anticipation under 35 U.S.C. 102 requires the disclosure in a single prior art reference of each element of the claims under consideration, *Alco Standard Corp. v. TVA*, 808 F.2d 1490, 1 U.S.P.Q.2d 1337 (1341) (Fed. Cir. 1986). Because Sasaki fails to teach every element of independent claim 1, Applicants assert that independent claim 1 is in condition for allowance. Further, because

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claims 2-11 depend directly or indirectly from claim 1, they too are not anticipated by Sasaki and therefore, are in condition for allowance.

Further, in order to establish a *prima facie* case of obviousness, three requirements must be met. MPEP §2143. First, there must be some suggestion or motivation, either in the cited references or in the knowledge generally available to one ordinarily skilled in the art, to modify the reference. *Id.* Second, there must be some reasonable expectation of success. *Id.* Third, the cited references must teach or suggest all of the claim limitations. *Id.* Applicants respectfully traverse this rejection because the Office Action fails to establish a *prima facie* case of obviousness.

As discussed above, Sasaki does not teach or suggest a nonwoven comprising at least three times more initiator molecules than agent molecules as required by claim 1. Thus, the cited reference does not teach or suggest all of the claim limitations of amended claim 1. Because claims 2-11 depend directly or indirectly from claim 1, the cited reference also fails to teach all of their claim limitations. Therefore, Applicants assert that claims 1-11 are nonobvious over the cited reference and are in condition for allowance.

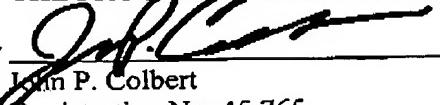
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §§'s 102 and 103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1 - 11 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

Jim P. Colbert

Registration No. 45,765

(513) 634-0037

Date: August 23, 2006
Customer No. 27752